



File Code: 6270
2013-FS-HQ-03198-F
(AQM)

Date: Sep 12, 2013

Mr. Michael Morisy
MuckRock News
DEPT MR 3382
PO Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

This letter is in response to your of your Freedom of Information Act (FOIA) request dated March 12, 2013, which was received in the Forest Service Washington Office (WO) FOIA Service Center on March 15, 2013. You requested copies of contracts with Booz Allen Hamilton, Inc. (BAH), over the past 5 years and any final reports generated and delivered by BAH to the agency over the past 5 years. In addition, you requested a fee waiver. Your fee waiver has been approved.

We located 139 pages responsive to your request. Pursuant to FOIA Exemption 4 and Executive Order 12600, we afforded BAH an opportunity to review the contents of the records for information they considered proprietary. We have completed our review and determined that portions of 86 pages should be withheld pursuant to FOIA Exemptions 4 and 6. 5 U.S.C. § 552(b)(4), (b)(6).

Exemption 4 prohibits “agencies from releasing trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” The term “person” refers to a wide range of entities, including corporations, banks, state governments, agencies of foreign governments, and Native American tribes or nations. The company about which the responsive records pertain qualifies as a “person.”

Additionally, the term “commercial” in the context of exemption 4 has been interpreted to include all information “pertaining or relating to or dealing with commerce.”

Commercial or financial matter is “confidential” for purposes of the exemption if disclosure of the information is likely to (1) impair the Government’s ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. We have determined that specific information regarding

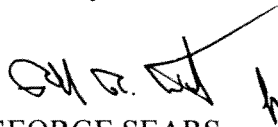


BAH, including the names of subcontractors and their personnel, proposed project timelines and activities is commercial information of the company should be withheld.

Exemption 6 protects all information from individuals in "personnel and medical files and similar files," where the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." In determining whether a particular disclosure would constitute an unwarranted invasion of personal privacy, the Forest Service must balance the public's right to disclosure against the individuals' right to privacy. Furthermore, the "public interest" must truly be in the interest of the overall public. Finally, the public interest balancing required under Exemption 6 should not include consideration of the requester's particular purpose in making the request. We have determined that the names of the subcontractor's personnel should be withheld pursuant to FOIA Exemptions 4 and 6.

The FOIA provides you the right to appeal my decision to withhold 86 pages in part. Any appeal must be made in writing, within 45 days from the date of this letter, to , to the Chief, USDA, Forest Service: 1) by email to wo_foia@fs.fed.us; 2) by regular mail to Mail Stop 1143, 1400 Independence Avenue, SW, Washington DC 20250-1143; 3) by Fed Ex or UPS to 1621 N. Kent Street, ORMS-6th Floor RPE, Arlington, VA 22209 and telephone (202) 205-1542; 4) by fax at (202) 260-3245. The term "FOIA APPEAL" should be placed in capital letters on the subject line of the e-mail or on the front of the envelope. To facilitate the processing of your appeal, please include a copy of this letter and/or the FOIA control numbers assigned to your FOIA request 2013-FS-HQ-01738-F.

Sincerely,



GEORGE SEARS
Director, Acquisition Management

Enclosure